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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/575,211

04/10/2006

Mark Alan Graham

7175-74602

6912

23643 7590 04/01/2010
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EXAMINER

SY, MARIANO ONG

ART UNIT

PAPER NUMBER

3657

NOTIFICATION DATE

DELIVERY MODE

04/01/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

indocket@btlaw.com

Office Action Summary	Application No. 10/575,211	Applicant(s) GRAHAM ET AL.	
	Examiner MARIANO SY	Art Unit 3657	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2010 and 02 February 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 6,7,11-13,19 and 21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,8-10,14-18 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 11, 2010 has been entered.

2. The response to notice of non-compliant amendment filed on February 2, 2010 has been received.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in

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order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-5, 15, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Komura (US 4,548,373) in view of Foster (US 5,455,975), in view of Frick (US 7,128,300), and in view of Twisselmann (US 6,471,165).

Komura disclosed, as shown in fig. 1-2, a patient care equipment support system comprising: an arm 2, 3 supported in a hospital room for pivoting movement about a vertical axis, a column 1, 10 coupled to the arm, the column support patient care equipment, and a brake 7a movable between braking and releasing position to impede or allow pivoting movement of the arm, at least one service line that provides to the patient care equipment being routed into the arm passed the brake, see abstract.

However Komura failed to disclose a support structure extending between a floor and a ceiling of a hospital room, the support structure has a service outlet, failed to disclose the brake located outside the interior region of the arm, and also failed to disclose at least one service line extending within the interior region of the arm away from the brake toward an end of the arm.

Foster disclosed, as shown in fig. 1, a support structure 20 extending between a floor and a ceiling of a hospital room, the support structure has a service outlet 26.

It would have been obvious to one of ordinary skill in the art to provide the brake of Komura with a support structure extending between a floor and a ceiling of a hospital

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room, the support structure has a service outlet, as taught by Foster, in order to provide easy access of medical gas for use on the patient.

Frick teaches, as shown in fig. 2, the use of electromagnetic brake 6 located outside the interior region of the column 1.

It would have been obvious to one of ordinary skill in the art to provide the brake of Komura outside the interior region of the arm, as taught by Frick, as a matter of alternate design choice of location of the brake with the same intended function of braking and releasing the movement of the arm about the axis.

Twisselmann teaches, as shown in fig. 1, electric cables extending within the interior region of the arm away from the brake (see col. 4, lines 59-67).

It would have been obvious to one of ordinary skill in the art to install the service line within the interior region of the arm away from the brake toward an end of the arm which is old and well known into the system of Komura, as taught by Twisselmann, in order to provide more safety and neat appearance to the system.

6. Claims 8-10 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Komura in view of Foster, in view of Frick, and in view of Twisselmann as applied to claims 1, 5, and 18 above, and further in view of Ogasawara et al. (US 5,265,701).

Komura as modified failed to disclose wherein the brake includes a brake pad engaging the pivot member, caliper arm and a linear actuator coupled to the caliper arm and brake pad.

Ogasawara et al. teaches the use of a linear actuator coupled to the brake pad and caliper arm and engagement with a pivot member.

It would have been obvious to one of ordinary skill in the art to use the known brake into the system of Komura as modified, as taught by Ogasawara et al., as an alternate design choice with the same intended function of braking and releasing the movement of the arm about the axis.

7. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Komura in view of Foster, in view of Frick, and in view of Twisselmann as applied to claim 1 above, and further in view of Rotondo et al. (US 7,197,109).

Komura as modified failed to disclose wherein the arm is a telescoping arm.

Rotondo et al. teaches, as shown in fig. 6a, the use of a telescoping arm in an x-ray imaging apparatus.

It would have been obvious to one of ordinary skill in the art to use the known telescoping arm into the system of Komura as modified, as taught by Rotondo et al., in order to be able to have variable reaching positions for the arm.

8. Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Komura in view of Foster, in view of Frick, and in view of Twisselmann as applied to claim 1 above, and further in view of Marchese et al. (US 6,213,481).

Komura as modified failed to disclose wherein the arm extends outwardly from a headwall support structure or supported by a ceiling structure.

Marchese et al. teaches the use of an arm 2 equipped with a vertical column and a fixing device 1 allowing the structure to be fixed to the ceiling or to a wall, see abstract.

It would have been obvious to one of ordinary skill in the art to have the arm extends outwardly from a headwall support structure or supported by a ceiling structure into the system of Komura as modified, as taught by Marchese et al., as a matter of design choice of mounting the system to a fix location.

Response to Arguments

9. Examiner has considered all arguments in the Remarks but are moot based on new grounds of rejection.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARIANO SY whose telephone number is (571)272-7126. The examiner can normally be reached on Mon.-Fri. from 8:30 A.M. to 2:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi, can be reached on 571-272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/MS/

March 12, 2010

/Robert A. Siconolfi/

Supervisory Patent Examiner, Art Unit 3657